HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.29680 of 1997

Dated: 29.03.2007

Between

B.Leelavathi and four others.

..... Petitioners

And

State of A.P., reptd., by its Principal Secretary to Government, Women and Child Welfare Department, Secretariat, Hyderabad and another.

.....Respondents

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.29680 of 1997

O R D E R:

The petitioners seek a direction to the respondents to consider their cases for promotion to the post of Pranganam Officer before any outsiders are appointed by direct recruitment as Pranganam Officers and to declare the notification dated 11.10.1997 issued by the second respondent as arbitrary and illegal.

The petitioners claim to have been appointed in 1987 as Pranganam Managers. It is their case that while 22 posts of Pranganam Officers were filled up in the year 1985 by way of direct recruitment, their request to consider their cases by way of promotion was ignored and that the respondent-Corporation had again resorted to direct recruitment by issuing the impugned notification dated 11.10.1997. It is the case of the petitioners that their stagnation in service and denying the channel of promotion will adversely affect their service conditions.

A perusal of the impugned notification dated 11.10.1997 would show that applications were invited for appointment to the posts of Pranganam Officers from eligible candidates who possessed the qualification of first Class Post-Graduation in any subject with preference being given to MBA candidates and that the applicants should preferably have experience in teaching and marketing. The process of selection was to be made on the basis of the written examination and the candidates who qualify in the written examination were to be called for interview. The notification also prescribes the age limit to be above 21 years and below 34 years as on 30.09.1997 and provides for application of the rule of reservation. It is not even the case of the petitioners before this Court that they possess the requisite qualifications prescribed in the impugned notification for being appointed as Pranganam Officers.

Sri J.R.Manohar Rao, learned counsel for the petitioners, would fairly concede that inasmuch as no interim orders were passed in this writ petition appointments were made pursuant to the impugned notification dated 11.10.1997. Learned counsel would however seek a direction that at least in future vacancies the cases of the petitioners be considered for appointing as Pranganam Officers.

It is well settled that a Mandamus cannot be issued requiring the authorities concerned to make Rules for appointment/promotion to higher posts, as these are all matters for the employer in his wisdom, to decide. It cannot however be lost sight of that not providing a channel of promotion would result in stagnation of the employees and would not only adversely affect their morale but also have an effect on the manner in which they discharge their functions. Avenues of growth are an impetus for employees to effectively discharge their duties. While it is desirable that avenues for promotion are provided for, these are all matters which are best left to the wisdom of the authorities concerned.

The contention of Sri J.R.Manohar Rao, learned counsel for the petitioners, that the petitioners be at least considered in future vacancies, however, merits consideration. In case, the petitioners are found eligible and suitable for appointment as Pranganam Officers they shall, along with others, be considered for appointment to the posts of Pranganam Officers as and when the respondent-Corporation issues a notification inviting applications for appointment to the posts of Pranganam Officers by way of direct recruitment. In view of the fact that no interim directions were passed in the writ petition and it is more than a decade since the impugned notification dated 11.10.1997 was issued, I see no reason

to interdict the selections, if any, made pursuant to the said notification.

Subject to the above, the writ petition is disposed of. But, in the circumstances, without costs.

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29.03.2007

dr